

Shelley G. Hurwitz (SBN 217566)  
HOLLAND & KNIGHT LLP  
633 W. Fifth Street, 21<sup>st</sup> Floor  
Los Angeles, CA 90071  
Telephone: (213) 896-2400  
Facsimile (213) 896-2450  
Email: shelley.hurwitz@hklaw.com

Beth S. Naylor (*admitted pro hac vice*)  
Douglas R. Dennis (*pro hac vice pending*)  
FROST BROWN TODD LLC  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202  
Telephone: (513) 651-6727  
Facsimile: (513) 651-6981  
Email: ddennis@fbtlaw.com

Attorney for Defendants IRWIN INDUSTRIAL TOOL COMPANY, INC.  
and THE HOME DEPOT, INC. and Third-Party Plaintiff BERNZOMATIC

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO**

ANDREW SHALABY, an individual, and SONIA  
DUNN-RUIZ an individual,

Plaintiffs,  
vs.

IRWIN INDUSTRIAL TOOL COMPANY, THE  
HOME DEPOT, INC., and DOES 2 through 100,  
inclusive,

Defendants.

BERNZOMATIC,

Third Party Plaintiff,  
vs.

WESTERN INDUSTRIES, INC.,  
WORTHINGTON INDUSTRIES, AND ROES 2  
through 100, inclusive,

Third Party Defendants.

**Case No.: 07-CV-2107 W POR**

**JOINT MOTION TO CONTINUE  
DATES RELATING TO EXPERT  
WITNESSES**

Judge: Thomas J. Whelan

1 Plaintiffs ANDREW SHALABY, an individual, and SONIA DUNN-RUIZ an  
2 individual, defendants IRWIN INDUSTRIAL TOOL COMPANY, INC., and THE HOME  
3 DEPOT, INC., third-party plaintiff BERNZOMATIC, and third-party defendants WESTERN  
4 INDUSTRIES, INC. and WORTHINGTON INDUSTRIES (collectively, "the Parties"), hereby  
5 stipulate as follows:

6 1. The parties enter into this stipulation to continue the dates relating to expert  
7 witnesses. The parties are not requesting a continuance of any other dates.

8 2. On October 30, 2007, this case was transferred to this Court from the Northern  
9 District of California.

10 3. On January 16, 2008, the Court issued a Scheduling Order Regulating Discovery  
11 and Other Pretrial Proceedings (the "Scheduling Order"). The Scheduling Order set the  
12 following dates:

13 a. Disclosure of Expert Witness Reports: July 3, 2008

14 b. Disclosure of Supplemental Expert Reports: July 18, 2008

15 c. Deadline to Complete Expert Discovery: August 8, 2008

16 4. The parties and their experts have been working diligently to comply with the  
17 deadlines set forth above. The parties are prepared to disclose their liability expert reports by the  
18 July 3, 2008 deadline set forth in the Scheduling Order.

19 5. However, plaintiff's designated expert, Adam J. Goldyne, MD, advised plaintiffs  
20 that he is suffering from serious health problems that are requiring him to take several different  
21 medications, which in turn are preventing him from doing any significant amount of work such  
22 that he will be unable to prepare his written report on plaintiff by the deadline set forth in the  
23 Scheduling Order. In consideration of this, all parties have agreed to modify the expert deadlines  
24 set forth in the Scheduling Order as follows below.

25 a. Disclosure of Liability Expert Witness Reports: July 3, 2008

26 b. Disclosure of Damages Expert Witness Reports: July 24, 2008

- 1 c. Disclosure of Supplemental Expert Reports on Liability: July 18, 2008  
2 d. Disclosure of Supplemental Expert Reports on Damages: August 1, 2008  
3 e. Deadline to Complete Expert Discovery: September 5, 2008  
4

5 5. The parties respectfully request that the Court modify the Scheduling Order  
6 accordingly.  
7

8  
9 Dated: July \_\_, 2008

ALBORG VEILUVA & EPSTEIN

11 See attached  
12 MARK D. EPSTEIN  
13 Attorney for Plaintiffs  
ANDREW SHALABY and SONIA DUNN-RUIZ

14 Dated: July 8, 2008

HOLLAND & KNIGHT LLP

16 [Signature]  
17 SHELLEY G. HURWITZ  
18 Attorney for Defendants  
19 IRWIN INDUSTRIAL TOOL COMPANY, INC.  
and THE HOME DEPOT, INC. and Third-Party  
Plaintiff BERNZOMATIC

20 Dated: July 3, 2008

BOWLES & VERNA

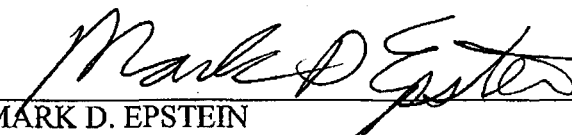
22 [Signature]  
23 RICHARD ERGO  
24 Attorney for Third-Party Defendants  
25 WORTHINGTON INDUSTRIES  
26  
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- c. Disclosure of Supplemental Expert Reports on Liability: July 18, 2008
- d. Disclosure of Supplemental Expert Reports on Damages: August 1, 2008
- e. Deadline to Complete Expert Discovery: September 5, 2008

5. The parties respectfully request that the Court modify the Scheduling Order accordingly.


Dated: July 7, 2008

ALBORG VEILUVA & EPSTEIN

  
MARK D. EPSTEIN  
Attorney for Plaintiffs  
ANDREW SHALABY and SONIA DUNN-RUIZ


Dated: July \_\_, 2008

HOLLAND & KNIGHT LLP

  
SHELLEY G. HURWITZ  
Attorney for Defendants  
IRWIN INDUSTRIAL TOOL COMPANY, INC.  
and THE HOME DEPOT, INC. and Third-Party  
Plaintiff BERNZOMATIC

Dated: July \_\_, 2008

BOWLES & VERNA

  
RICHARD ERGO  
Attorney for Third-Party Defendants  
WORTHINGTON INDUSTRIES

1 Dated: July 8, 2008

MCCORMICK BARSTOW SHEPPARD WAYTE  
& CARRUTH

2  
3 Daron R. Carruth #230539  
4 for LOWELL T. CARRUTH  
5 Attorney for Third-Party Defendant Western  
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